THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26736 of 2006

Dated: 26.12.2006

Between:

Vadlamudi Krishna Kumari and others.

.....

PETITIONERS

AND

The Sub-Registrar, Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26736 of 2006

ORDER:

In this writ petition, the petitioners assail the circular instructions issued by the Collector, Ranga Reddy District, in Rc.No.E2/406/2001, dated 06.02.2001, whereby and whereunder all the Sub-Registrars in Ranga Reddy District were directed not to entertain any document for registration of the lands for agricultural or non-agricultural purposes whenever produced without prior approval or 'No Objection Certificate' from the District Collector, which were recalled by memo No.E5/2198/2006, dated 28.04.2006.

It is not necessary to refer to the factual background. This Court in a number of writ petitions has declared the same circular as illegal and without jurisdiction. In spite of the same, the Registering Authorities refused to register the documents presented by the petitioners. Therefore, they filed the present Writ Petition.

It is brought to the notice of this Court that in obedience to the orders of this Court in W.P.No.6751 of 2006 dated 13.04.2006, the District Collector, Ranga Reddy District, issued necessary orders recalling the circular instructions dated 06.02.2001, by a memo dated 28.04.2006. The memo issued by the District Collector was addressed to the District Registrar, all Sub-Registrars and all Mandal Revenue officers in Ranga Reddy District and the same reads as under.

> Vide communication bearing No.E2/406/2001, dt.6-2-2001, a direction was issued directing the Sub-Registrar in the district not to entertain the Registrations of land without obtaining No Objection Certificate from the District Collector, the Circular has been invalidated by the Hon'ble High Court of Andhra Pradesh.
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> The Hon'ble High Court in W.P.No.1952/02, has invalidated the Circular and the same was affirmed by the Division Bench of the Hon'ble High Court in W.A.No.1133 of 2004.
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> In spite of the above, it is noticed that the Registering Authorities are rejecting registrations on the ground of the said Circular dated 6-2-2001.
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> Therefore, the said Circular instructions in Rc.No.E2/406/01, dt.6-2-2001 is hereby recalled. It is further clarified that the Registering Authorities of Ranga Reddy District shall not refuse any registration on the ground of the

said Circular.

In view of the same, the registering authorities cannot refuse registration of the sale deeds in respect of agricultural/non-agricultural lands and there is no necessity for production of 'No Objection Certificate' from the District Collector.

This writ petition is accordingly disposed of directing the respondent or any other Registering Officer to accept the documents presented by the petitioners and consider the same for registration. Be it noted, if for any reason, the documents presented are not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioners have any grievance, they may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act. No costs.

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(**V.V.S.RAO, J**)

26th December, 2006
ghn